

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 21, 2005

DIVISION ONE

B177027 People (Not for Publication)
v.
Joel A. Cortez

The judgment is modified by striking the one year weapon enhancement imposed on count 2 and, as modified, affirmed and remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Suzukawa, J. (Assigned)

DIVISION TWO

B172413 Metropolitan News-Enterprise (Certified for Publication)
v.
Daily Journal Corp.

The motion to dismiss the appeal is denied. The order appealed from is reversed, with directions to grant the motion to vacate the 2001 order modifying the 1952 decree. The Met News shall bear the Daily Journal's costs of appeal.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION TWO (Continued)

B167720 Ashley Arnold et al., Minors, etc., et al. (Not for Publication)
v.
The Dow Chemical Company et al.

The judgment is affirmed. Respondents shall receive costs of appeal.

Nott, J.

We concur: Boren, P.J.
Doi Todd, J.

B171380 People (Not for Publication)
v.
Eric Macias

The judgment is affirmed.

Nott, Acting P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B164202 Maxie (Not for Publication)
v.
Preijers, et al.

The judgment appealed from is affirmed. Appellant shall bear respondents' costs of appeal. Attorneys Robert Mann and Donald W. Cook, jointly and severally, are directed to pay this court sanctions in the amount of \$1,500.00, within 20 days following issuance of remittitur.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION THREE

B173824 People (Not for Publication)
v.
Adrian Toscano

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B170183 People (Not for Publication)
v.
Leonard Michael Samuels

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

March 21, 2005 (Continued)

DIVISION FIVE

B177032 People (Not for Publication)

V.

Darrell Lee Lopez

The judgment is affirmed.

Turner, P.J.

We concur: Mosk, J.

Kriegler, J. (Assigned)

B178187 People (Not for Publication)

V.

Jose M. Garcia

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.

Kriegler, J. (Assigned)

B127481 People

V.

Erick Magana

Filed order denying petition for rehearing.

March 21, 2005 (Continued)

DIVISION SIX

B157888 People (Not for Publication)
v.
Maldonado & Aleman

We direct the trial court to strike the 10-year enhancements on counts two and three, and order appellants to serve 15-year minimum terms before either of them is eligible to seek parole. In addition, as to Maldonado, the court shall determine whether to impose only the 20-year vicarious firearm enhancement, or both the 20-year personal firearm use enhancement and the gang enhancement. In all other respects, the judgments are affirmed. When the trial court has completed its resentencing proceedings, it shall modify the abstract of judgment to reflect the new sentences and provide the abstract to the Department of Corrections.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B175343 People (Not for Publication)
v.
Wilson

The appeal is dismissed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B168171 Rio Vista Associates et al.,
B169608 v.
Hartford Casualty Insurance Company et al.,

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

March 21, 2005 (Continued)

DIVISION SEVEN (Continued)

B175260 People (Not for Publication)
v.
Barrera

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B166435 People (Not for Publication)
v.
McClellan

McClellan's second degree murder conviction is reversed. In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B175358 People (Not for Publication)
v.
Rowe

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
 Zelon, J.

March 21, 2005 (Continued)

DIVISION SEVEN (Continued)

B176368 People v. Wright (Not for Publication)

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B176988 Falahati et al., (Certified for Publication)
v.
Kondo

The order denying Shinji Kondo's motion to vacate his default and set aside the judgment against him is reversed and the cause remanded to the trial court with directions to enter a new and different order vacating the default and settling aside the judgment and to conduct any further proceedings in accordance with the views expressed in this opinion. Appellant is awarded his costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
 Zelon, J.

DIVISION EIGHT

B164687 Aria Kozak et al., (Not for Publication)
v.
Packing Crate Classics, Inc.,

The order under review is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

DIVISION EIGHT (Continued)

B171895 Lund Law Corporation (Not for Publication)
v.
Mary Klein

The judgment is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

B175782 Los Angeles County, D.C.S. (Not for Publication)
v.
Charisse S.,
In re Khamiliah H., a Person Coming Under the Juvenile Court Law.

The juvenile court order terminating Mother's parental rights is vacated. The matter is remanded to the juvenile court. The juvenile court shall order the Department of Children and Family Services to provide notice to the Blackfeet tribe including the name of Lola P. in the notice. If after receiving proper notice, the Blackfeet tribe indicated Khamiliah is not an Indian child within the meaning of the ICWA, the juvenile court shall reinstate the order terminating parental rights. If the tribe determines that Khamiliah is an Indian child, the juvenile court is ordered to conduct a new Welfare and Institutions Code section 366.26 hearing in conformity with all provisions of the ICWA. In all other respects the order is affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

March 21, 2005 (Continued)

DIVISION EIGHT (Continued)

B166588 People (Not for Publication)
v.
Victor Jose Quintana

The judgment is affirmed, and the trial court is ordered to correct the abstract of judgment consistent with this opinion.

Flier, J.

We concur: Cooper, P.J.
Boland, J.